

REMARKS**Summary of the Invention**

The method is a combination of an optical data burst transmitting system (optical burst switching - OBS) and a data packet transmitting system. In the invention, a data burst (BURST 1; FIG 2) is transmitted between two nodes comprising a plurality of data packets, and the connection is maintained to transmit data burst "on-the-fly during the consecutive phase" until another node needs the same channel (e.g. same wavelength and fiber) for transmitting its own burst (BURST 2).

Claim Rejections – 35 USC § 103

Claims 9, 10-11 and 14 have been rejected under 35 USC 103(a) as unpatentable over Xiong, further in view of Corbalis. The rejection is respectfully traversed.

The Examiner states that "transmitting data packets between the nodes during the consecutive phase" is taught by Xiong, referring to column 2, lines 37-40 which states: "The present invention provides yet another technical advantage by reducing the gaps/voids between bursts transmitted on the reserved data channel, which in turn increases the data channel utilization." Significantly, there is no disclosure that data packets are transmitted on-the-fly after the transmission of a data burst (or data bursts). Additionally, the Examiner states that Xiong fails to disclose "terminating the connection only when the data channel is at least partially required for transmitting a second data burst", but that Corbalis discloses this feature. Applicants respectfully disagree.

Corbalis refers to an Optical Switch Fabric with Redundancy, but not to a burst switching system or a data packet transmitting system. The Examiner cites column 1, lines 54-55 as a part of the following paragraph: "Problems with rearrangeable nonblocking switches include the fact that the required device settings to route connections through the switch are not determined easily and that connections in progress may have to be interrupted momentarily while rerouting takes place to handle the new connections." (emphasis added, column 1, lines 53-59). The

"interruption" due to rerouting is a deficiency of the switch disconnecting physical connections and not a feature of a burst transmission system. The following paragraph, column 1, lines 59-62 refers to non-blocking networks or switches.

According to the claimed invention, on the other hand, the transmission of data packets on-the-fly in progress is terminated when the data channel (that is the same wavelength transmitted via the same fiber) is needed for a transmission of a burst (burst 2) between other nodes. Hence, even a combination of Xiong, disclosing a common burst switching system, and Corbalis, mentioning an interrupting rearrangeable switch, does not disclose the claimed invention.

Claims 12, 13 and 18 have been rejected under 35 USC 103(a) as unpatentable over Xiong, Corbalis, further in view of Garland; Claim 15 has been rejected under 35 USC 103(a) as unpatentable over Xiong, Corbalis, further in view of Stilling; and Claims 16-17 have been rejected under 35 USC 103(a) as unpatentable over Xiong, Corbalis and Stilling, further in view of Garland. The rejections are respectfully traversed for at least the reasons presented in the arguments above.

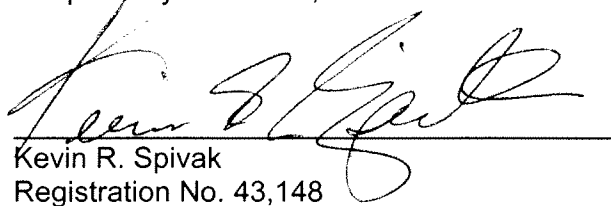
In light of the foregoing, Applicants respectfully submit they have addressed each and every item presented by the Examiner in this Office Action. Favorable reconsideration of all of the claims, as amended, is earnestly solicited. Applicants submit that the present application, with the foregoing claim amendments and accompanying remarks, is in a condition for allowance and respectfully request such allowance.

In the event any further matters requiring attention are noted by Examiner, or in the event that prosecution of this application can otherwise be advanced thereby, a telephone call to Applicants' undersigned representative at the number shown below is invited. Further, Applicants hereby petition for the Commissioner to charge any additional fees or any underpayment of fees which may be required for this Amendment and which may be required to

maintain the pendency of this case at any time during prosecution, or to credit any overpayments, to Deposit Account No. 04-1061.

Respectfully submitted,

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